

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - - - -
ESTATE OF ROGER D. :
OWENSBY JR., et al., :
 :
Plaintiffs, :
vs. : Case No. 01-CV-769
 : (Judge S. A. Spiegel)
CITY OF CINCINNATI, :
et al., :
 :
Defendants. :
- - - - -

Deposition of BRENDA OWENSBY, a witness
herein, called by the defendants for cross-
examination, pursuant to the Federal Rules of Civil
Procedure, taken before me, Wendy Davies Welsh, a
Registered Diplomate Reporter and Notary Public in
and for the State of Ohio, at the offices of Helmer,
Martins & Morgan Co. LPA, 1900 Fourth & Walnut
Centre, 105 East Fourth Street, Cincinnati, Ohio, on
Friday, November 21, 2003, at 9:11 a.m.

10:12:56

ORIGINAL

09:55:57 1 wasn't no kind of charges. I mean, didn't nobody,
09:56:00 2 the law or nobody else got involved in that.

09:56:03 3 Q. Did he get a GED at Southwestern?

09:56:06 4 A. No. He graduated, yes.

09:56:09 5 Q. Somewhere in here I saw that he might have
09:56:13 6 gotten his high school diploma in Oklahoma.

09:56:19 7 A. Yes, from the Cache County school
09:56:23 8 department.

09:56:23 9 Q. So I'm confused. When you say
09:56:26 10 Southwestern, is that in Oklahoma?

09:56:29 11 A. Yes, that's in Oklahoma.

09:56:31 12 Q. All right. That explains it.

09:56:35 13 Then after he got his diploma at
09:56:37 14 Southwestern, Oklahoma --

09:56:40 15 A. Right.

09:56:41 16 Q. -- what did he do?

09:56:42 17 A. Well, after that, we got transferred. We
09:56:44 18 moved to Alabama.

09:56:47 19 Q. Did he go with you?

09:56:48 20 A. Yes.

09:56:50 21 Q. Eventually he ended up in the Army; is
09:56:52 22 that right?

09:56:53 23 A. Yes.

09:56:53 24 Q. When was that?

09:56:54 1 A. Roger went into the Army in '93.

09:57:04 2 Q. What did he do after high school and
09:57:05 3 before he went into the Army?

09:57:09 4 A. He worked some part-time jobs. But by us
09:57:12 5 moving so much and the location sometimes where we
09:57:17 6 was at, sometimes we was in small little cities and
09:57:22 7 it was so hard to get jobs, so he really -- there's
09:57:28 8 a lot of times when he just stayed home.

09:57:30 9 Q. He graduated in high school what year?

09:57:33 10 A. '89.

09:57:34 11 Q. He went into the service in '91?

09:57:37 12 A. '93.

09:57:38 13 Q. '93. And between '89 and '93 did he have
09:57:46 14 a full-time job anywhere?

09:57:49 15 A. I think most of the time no, because it
09:57:51 16 was -- no.

09:57:55 17 Q. Then '93 he enlisted in the Army; is that
09:57:58 18 right?

09:57:58 19 A. Right.

09:57:59 20 Q. And he was in the Army from '93 until
09:58:01 21 when?

09:58:04 22 A. Until he came home in '98.

09:58:10 23 Q. And he was honorably discharged; is that
09:58:13 24 right?

10:04:56 1 A. No, I don't.

10:04:58 2 Q. -- till today? Earlier in one of my
10:05:09 3 questions you said that maybe a year before his
10:05:11 4 death he got into some kind of trouble?

10:05:14 5 A. The only reason why I know that for a fact
10:05:18 6 is one night he was driving or he had a taillight or
10:05:23 7 something out, and it wasn't that far from where we
10:05:31 8 live at. And the police brought Roger to the house
10:05:34 9 in the car, and they woke us up and they asked -- it
10:05:48 10 might have been longer than a year ago. They asked
10:05:50 11 if --

10:05:52 12 Roger must have told the police that he
10:05:54 13 lived with us or whatever, and could they come in
10:05:57 14 and look through Roger's stuff. They thought that
10:06:00 15 he had maybe had something, marijuana, something.
10:06:06 16 And I told them it wouldn't be a problem.

10:06:10 17 No, they asked could they bring a police
10:06:13 18 dog. And I said I had no problem with that, you
10:06:16 19 know, because I know Roger did not have nothing in
10:06:18 20 our house like that. So they came and they didn't
10:06:22 21 find anything.

10:06:26 22 So I know about that. That's it.

10:06:28 23 Q. At some point in time Roger enrolled at
10:06:40 24 school; is that right?

10:06:42 1 A. Yes, Southwest.

10:06:47 2 Q. Southern Ohio?

10:06:48 3 A. Southern Ohio, yes.

10:06:51 4 Q. Southern Ohio College?

10:06:52 5 A. Yes.

10:06:53 6 Q. And it looks like he attended one -- I
10:06:58 7 don't know if it was a semester or quarter. Is that
10:07:00 8 right?

10:07:00 9 A. Uh-huh.

10:07:01 10 Q. Why did he drop out of Southern Ohio
10:07:05 11 College?

10:07:05 12 A. I really didn't know that he had dropped
10:07:07 13 out until after his death and when they said that.
10:07:15 14 Because Roger had never even acknowledged that he
10:07:17 15 was having problems with his paperwork. Because if
10:07:20 16 he would have came to me, we could have -- I could
10:07:24 17 have told him where to go, you know. And I never
10:07:27 18 knew that he was having any problems.

10:07:29 19 Q. It looks like he went to Southern during
10:07:40 20 the September '99 either semester or quarter.

10:07:43 21 A. Right.

10:07:44 22 Q. Then he dropped out. So you didn't know
10:07:47 23 that until when, after his death?

10:07:49 24 A. Right. And then it came to be that

10:07:52 1 something about they never got his transcript or
10:07:55 2 something of his diploma.

10:07:58 3 Q. From Oklahoma?

10:08:00 4 A. Uh-huh.

10:08:01 5 Q. And the material that has been supplied,
10:08:05 6 probably by you through your attorneys, indicates
10:08:08 7 that in that quarter he had a grade point average of
10:08:13 8 .167. I guess, the way it sounds, you and Roger
10:08:17 9 didn't talk about his school?

10:08:19 10 A. No, not a lot. He just told me he was
10:08:23 11 going in for audio-video, you know.

10:08:26 12 Q. Did he tell you that he was borrowing
10:08:31 13 money for school?

10:08:34 14 A. Yeah. I knew he said that he had signed
10:08:37 15 up for a grant or something.

10:08:39 16 Q. A student loan?

10:08:40 17 A. Yeah.

10:08:42 18 Q. I would assume that there's nobody trying
10:08:47 19 to collect that money now since Roger's died?

10:08:51 20 A. No, not yet, no.

10:08:53 21 Q. So when Roger died, you assumed that he
10:08:58 22 was still going to Southern?

10:09:00 23 A. Well, I knew he was -- how he said, he
10:09:03 24 said he was going -- I didn't know that he had just

10:09:06 1 stopped altogether. But I was just thinking -- you
10:09:09 2 know, how they have a break and then they go back?
10:09:11 3 That's what I thought it was. Because he said --
10:09:14 4 because he was supposed to have started back right
10:09:17 5 after he got -- I think right before or right after
10:09:20 6 he got killed he was supposed to have started back.

10:09:24 7 Q. Roger was what age when he died?

10:09:28 8 A. 29.

10:09:28 9 Q. Just listening -- and you tell me again if
10:09:34 10 I'm wrong. Listening, it sounds to me like Roger
10:09:39 11 would live at home when he may not have been
10:09:51 12 involved with, I think, ladies, as you said?

10:09:51 13 A. Yeah.

10:09:51 14 Q. But you really didn't talk much about his
10:09:51 15 personal business?

10:09:53 16 MR. MARTINS: Objection.

10:09:54 17 You may answer.

10:09:56 18 A. No. None of this. You know, I didn't
10:09:57 19 pry, because I realized -- I mean, he had already
10:10:02 20 went to the military, he's grown, so I just didn't
10:10:06 21 pry in his private life unless he, you know, had
10:10:10 22 something to say.

10:10:12 23 Q. Roger didn't have any physical problems,
10:10:15 24 did he?

10:22:50 1 Q. Was that through the Bureau of Support?

10:22:53 2 A. Well, I know when he was in the military
10:22:55 3 he had -- he always had an allotment of whatever to
10:23:01 4 pay child support for Myiesha. I know that.

10:23:05 5 Q. Do you know if it was through the Bureau
10:23:07 6 of Support?

10:23:11 7 A. I'm not for sure. All I know, he gave --
10:23:17 8 I know it was money taken out.

10:23:19 9 Q. Out of his check?

10:23:20 10 A. Out of his check.

10:23:21 11 Q. For Myiesha?

10:23:23 12 A. For Myiesha, yes.

10:23:26 13 Q. Do you know how much?

10:23:26 14 A. No, I don't.

10:23:27 15 Q. Do you know how much money he gave to
10:23:30 16 support Myiesha after he got out of the military in
10:23:33 17 '98?

10:23:35 18 A. Well, whenever -- I can say whenever he
10:23:38 19 had a job or whatever. I know if Myiesha mother
10:23:43 20 asked him and if he had the money, he give it to
10:23:47 21 them.

10:23:47 22 Q. It sounds like you may not be familiar
10:23:50 23 with the Bureau of Support.

10:23:51 24 A. I'm not. All I'm thinking of, child

10:40:37 1 Q. Did she ever say that she knew Roger went
10:40:40 2 by the nickname LA?

10:40:41 3 A. I'm not for sure. I'm not for sure.

10:40:44 4 Q. Did you ever hear anyone else say during
10:40:46 5 the trial that they knew Roger by the name of LA?

10:40:53 6 A. I'm not for sure. I'm not for sure, but I
10:40:57 7 knew I didn't hear about it until after his death.
10:41:00 8 That's all I can go on.

10:41:02 9 Q. You yourself had never heard him referred
10:41:04 10 to by that name?

10:41:05 11 A. No.

10:41:05 12 Q. But you don't know whether or not other
10:41:08 13 people might have known him by that name?

10:41:11 14 MR. MARTINS: Objection.

10:41:11 15 A. Right. Right.

10:41:16 16 MR. HARDIN: I don't believe I have any
10:41:18 17 other questions.

10:41:22 18 MR. FREUND: We're done.

10:41:25 19 MR. MARTINS: We want signature, the usual
10:41:28 20 arrangement.

10:44:38 21 
10:44:38 22 BREND A OWENSBY
10:44:38 22 - - -

10:44:38 23 (Deposition concluded at 10:44 a.m.)

24 - - -